Docket No.: ONCOSIS.001CP5

AUG 2:1 2006 W

INFORMATION DISCLOSURE STATEMENT

plicant : Koller, et al.

App. No : 10/814,966

Filed : March 30, 2004

For : OPTOINJECTION METHODS

Examiner : Susan Marie Hanley

Art Unit : 1651

CERTIFICATE OF MAILING

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

August 18, 2006

(Date)

Marc T. Morley, Reg. No. 52,051

Mail Stop Amendment Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Dear Sir:

Enclosed is a PTO/SB/08 Equivalent listing 113 references that are of record in U.S. Patent Application No. 09/961,691, filed September 21, 2001, U.S. Patent Application No. 09/728,281 filed November 30, 2000, U.S. Patent Application No. 09/451,659 filed November 30, 1999, U.S. Patent Application No. 09/049,677 filed March 27, 1998 and U.S. Patent Application No. 08/824,968 filed March 27, 1997, which are the parent applications of this application, and are relied upon for an earlier filing date under 35 U.S.C. § 120. Copies of the references are not submitted pursuant to 37 C.F.R. § 1.98(d).

This Information Disclosure Statement is being filed before the receipt of a first Office Action on the merits, and presumably no fee is required. If a first Office Action on the merits was mailed before the mailing date of this Statement, the Commissioner is authorized to charge the fee set forth in 37 C.F.R. § 1.17(p) to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: Argust 18, 2006

Marc T. Morley

Registration No. 52,051

Attorney of Record Customer No. 20,995

(619) 235-8550

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Multiple sheets used when necessary)

SHEET 1 OF 6

Application No. 10/814,966

Filing Date March 30, 2004

First Named Inventor Koller, et al.

Art Unit 1651

Examiner Susan Marie Hanley

Attorney Docket No. ONCOSIS.001CP5

			U.S. PATENT	DOCUMENTS	
Examiner Initials	Cite No.	Document Number Number - Kind Code (if known) Example: 1,234,567 B1	Publication Date MM-DD-YYYY	Name of Patentee or Applicant	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear
	1	US 2002/076744 A1	06-20-2002	Koller et al.	
	2	US 2003/0219892	11-27-2003	Palsson et al.	
	3	3,674,926	07/04/72	Dewey et al.	
	4	4,284,897	08/18/81	Sawamura et al.	
	5	4,395,397	07/26/83	Shapiro	
# - 2	6	4,532,402	06/30/85	Overbeck	
	7	4,624,915	11/25/86	Schindler et al.	
•	8	4,629,687	12/16/86	Schindler et al.	
	9	4,803,992	02/14/89	Lemelson	
	10	5,013,660	05/07/91	Kasuya et al.	
<u></u> .	11	5,035,693	07/30/91	Kratzer et al.	
. <u> </u>	12	5,053,693	10/01/91	Bohnert et al.	
	13	5,089,384	02/18/92	Hale	
	14	5,103,660	04/14/92	Johnson	
	15	5,158,889	10/27/92	Hirako et al.	
	16	5,188,633	02/23/93	Kratzer et al.	
	17	5,202,230	04-13-1993	Kamentsky, Louis A.	
	18	5,272,081	12/21/93	Weinreb et al.	
	19	5,296,963	03/22/94	Murakami et al.	
	20	5,298,963	03/29/94	Moriya et al.	
	21	5,381,224	01/10/95	Dixon et al.	
	22	5,523,543	06/04/96	Hunter, Jr. et al.	
	23	5,422,720	06-06-1995	Berndt, Klaus W	
	24	5,646,411	07/08/97	Kain et al.	,
	25	5,672,880	09/30/97	Kain	
	26	5,690,846	11/25/97	Okada et al.	
	27	5,719,391	02/17/98	Kain	
-	28	5,785,703	07/28/98	Goodman et al.	
	29	5,795,755	08/18/98	Lemelson	

Examiner	

Date Considered

^{*}Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

T¹ - Place a check mark in this area when an English language Translation is attached.

	Application No.	10/814,966
INFORMATION DISCLOSURE	Filing Date	March 30, 2004
STATEMENT BY APPLICANT	First Named Inventor	Koller, et al.
STATEMENT BY APPLICANT	Art Unit	1651
(Multiple sheets used when necessary)	Examiner	Susan Marie Hanley
SHEET 2 OF 6	Attorney Docket No.	ONCOSIS.001CP5

U.S. PATENT DOCUMENTS					
Examiner Initials	Cite No.	Document Number Number - Kind Code (if known) Example: 1,234,567 B1	Publication Date MM-DD-YYYY	Name of Patentee or Applicant	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear
	30	5,874,266	02/23/99	Palsson	
	31	5,890,846	04/06/99	Clark et al.	
	32	5,932,872	08/03/99	Price	
	33	6,005,256	12/21/99	McGlynn et al.	
	34	6,007,814	12/28/99	Scheinberg	
	35	6,040,139	03/21/00	Bova	
_	36	6,122,396	09/19/00	King et al.	
•	37	6,143,535	11/07/00	Palsson	
	38	6,148,096	11/14/00	Pressman et al.	
	39	6,315,772	11-13-2001	Marchitto et al.	
	40	6,381,224	04/30/02	Lane et al.	
	41	6,424,863	07-23-2002	Flock, Stephen T.	
	42	6,642,018	11-04-2003	Koller et al.	
	43	6,753,161	06-22-2004	Koller et al.	

	FOREIGN PATENT DOCUMENTS					
Examiner Cite Country Code-Number-Kind Code Date Name of Patentee or Where Relevant Page		Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear	Τ1			
	44	EP 0 662 512	07/12/95	Europe		
_	45	JP 63-259465	04/17/87	Japan		
	46	WO 97/11156	03-27-1997	BOVA, G., Steven		_
	47	WO 98/42356	10-01-1998	PALSSON, Bernhard		
	48	WO 89/01630	02/23/89	PCT		
	49	WO 98/52016	11/19/98	PCT		
	50	RU 2054486C1	02-20-1996	PETUKHOV VALERIJ		

Examiner Signature	Date Considered

^{*}Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

T¹ - Place a check mark in this area when an English language Translation is attached.

	Application No.	10/814,966
INFORMATION DISCLOSURE	Filing Date	March 30, 2004
STATEMENT BY APPLICANT	First Named Inventor	Koller, et al.
STATEMENT BY APPLICANT	Art Unit	1651
(Multiple sheets used when necessary)	Examiner	Susan Marie Hanley
SHEET 3 OF 6	Attorney Docket No.	ONCOSIS.001CP5

	NON PATENT LITERATURE DOCUMENTS				
Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ¹		
	51	Andersen et al., "Failure of immunologic purging in mantle cell lymphoma assessed by polymerase chain reaction detection in minimal residual disease," Blood, 90: 4212-4221 (1997)			
	52	Brittberg et al., "Treatment of deep cartilage defects in the knee with autologous chondrocyte transplantation," N.E.J.Med., 331: 889-895 (1994)			
	53	Brockstein et al., "Tumor cell contamination of bone marrow harvest products: Clinical consequences in a cohort of advanced-stage breast cancer patients undergoing high-dose chemotherapy," J. Hematotherapy, 5: 617-624 (1996)			
•	54	relipheral blood of Fatients with Solid Turnors, Blood, 83. 030-040 (1994)			
	55	Campana et al., "Detection of Minimal Residual Disease in Acute Leukemia: Methodological Advances and Clinical Significance," Blood, 85: 1416-1434 (1995)			
	56	Cili Exp Phanico Physici, 22: 300 (1995)			
	57	Clarke et al., "A recombinant <i>bcl-x_s</i> adenovirus selectively induces apoptosis in cancer cells but not in normal bone marrow cells," <i>Proc. Natl. Acad. Sci. USA</i> , 92: 11024-11028 (1995)			
	58	Cossman et al., "Reed-Sternberg cell genome expression supports a B-cell lineage," <i>Blood</i> , 94: 411-416 (1999)			
	59	Deisseroth et al., "Genetic marking shows that Ph ⁺ cells present in autologous transplants of chronic myelogenous leukemia (CML) contribute to relapse after autologous bone marrow in CML," <i>Blood</i> ,83: 3068-3076 (1994)			
	60	Dooley et al., "A Novel, Inexpensive Technique for the Removal of Breast Cancer Cells from Mobilized Peripheral Blood Stem Cell Products," <i>Blood,</i> 88: 252a, Abstract 995, 438-11 (1996)			
	61	Elbashir, et al. "Duplexes of 21-nucleotide RNAs mediate RNA interference in cultured mammalian cells." Nature, 411: 494-498 (2001).			
	62	Fields et al., "Clinical significance of bone marrow metastases as detected using the polymerase chain reaction in patients with breast cancer undergoing high-dose chemotherapy and autologous bone marrow transplantation," <i>J. Clin. Oncol.</i> , 14: 1868-1876 (1996)			
	63	Gazitt et al., "Purified CD34 ⁺ Lin ⁻ Thy ⁺ Stem Cells Do Not Contain Clonal Myeloma Cells," <i>Blood</i> , 86: 381-389 (1995)			
	64	Gee, Adrian P., "Part 5: Autologous Bone Marrow Purging," Bone Marrow Processing and Purging,248-328 (1991)			
	65	Grate et al., "Laser-mediated, site-specific inactivation of RNA transcripts, <i>PNAS</i> , 96: 6131-6136 (1999)			
	66	Greer et al., "A Clonogenic Culture Method for the Identification of Breast Cancer Cells in Marrow Aspirates of Patients Receiving High-Dose Chemotherapy," Blood, 88: 252a, Abstract 996, 439-II (1996)			
	67	Gribben et al., "Antibody-mediated Purging; Bone Marrow Transplantation," <i>Boston-Blackwell Scientific Publications</i> , 149-163 (1994)			

Examiner Signature	Date Considered	
*Examiner: Initial if reference considered, whether or not citation is in conform		

T¹ - Place a check mark in this area when an English language Translation is attached.

	Application No.	10/814,966
INFORMATION DISCLOSURE	Filing Date	March 30, 2004
STATEMENT BY APPLICANT	First Named Inventor	Koller, et al.
STATEMENT BY APPLICANT	Art Unit	1651
(Multiple sheets used when necessary)	Examiner	Susan Marie Hanley
SHEET 4 OF 6	Attorney Docket No.	ONCOSIS.001CP5

	NON PATENT LITERATURE DOCUMENTS				
Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ¹		
	68	Gribben et al., "Immunologic purging of marrow assessed by PCR before autologous bone marrow transplantation for B-cell lymphoma," <i>N.E.J. Med.</i> , 325: 1525-1533 (1991)			
	69	Gulati et al., "Rationale for Purging in Autologous Stem Cell Transplantation," <i>Journal of Hematotherapy</i> , 2: 467-471 (1993)			
	70	Guo et al., "Laser-mediated gene transfer in rice," Physiologia Plantarum, 93: 19-24 (1995)			
	71	Han, et al. "Quantum-dot-tagged microbeads for multiplexed optical coding of biomolecules." Nat.Biotech., 19: 631-635 (2001).			
•	72	Hanania et al., "A Novel Automated Method of Scanning Cytometry and Laser-Induced Necrosis applied to Tumor Cell Purging," Abstract #2836, BLOOD, Journal of the American Society of Hematology, Forty-First Annual Meeting, 3pages (December 3-7, 1999)			
	73	Huang et al., "Symmetry of initial cell divisions among primitive hematopoietic progenitors is independent of ontogenic age and regulatory molecules," <i>Blood</i> , 94: 2595-2604 (1999)			
	74	International Search Report from PCT/US01/07506	·· - · ·-		
	75	International Search Report from PCT/US00/32742			
	76	Jasuja et al., "Chemotactic responses of <i>Escherichia coli</i> to small jumps of photoreleased L-aspartate," <i>Biophysical Journal</i> , 76: 1706-1719 (1999)			
	77	Jay, D. G., "Selective destruction of protein function by chromophore-assisted laser inactivation," PNAS, 85: 5454-5458 (1988)			
	78	Koller et al., "Tissue Culture Surface Characteristics Influence the Expansion of Human Bone Marrow Cells," <i>Biomaterials</i> , 19: 1963-1972 (1998)			
	79	Krasieva, et al. "Mechanisms of cell permeabilization by laser microirradiation." Proc.SPIE, 3260: 38-44 (1998).			
	80	Kurata, et al. "The laser method for efficient introduction of foreign DNA into cultured cells." Exp.Cell Res., 162: 372-378 (1986).			
	81	Langer et al., "The challenges ahead," Sci. Am., 280: 86-89 (1999)			
	82	Lazarus et al., "Does <i>In Vitro</i> Bone Marrow Purging Improve the Outcome after Autologous Bone Marrow Transplantation?," <i>Journal of Hematotherapy</i> , 2: 457-466 (1993)			
	83	Lydaki et al., "Merocyanine 540 mediated photolysis of normal bone marrow, committed hemopoietic progenitors and neoplastic cells. Implications for bone marrow purging," <i>Leukemia Research</i> , 21: 641-650			
	84	Lydaki et al., "Merocyanine 540 mediated photoirradiation of leukemic cells. In vitro inference on cell survival," <i>Journal of Photochemistry and Photobiology B: Biology,</i> 32: 27-32 (1996)			
	85	Mapara et al., "Monitoring of tumor cell purging after highly efficient immunomagnetic selection of CD34 cells from leukapheresis products in breast cancer patients: Comparison of immunocytochemical tumor cell staining and reverse transcriptase-polymerase chain reaction," <i>Blood</i> , 89: 337-344 (1997)			

Examiner Signature	Date Considered
*Examiner: Initial if reference considered, whether or not citation is in conformation conformance and not considered. Include copy of this form with next commu	-

T¹ - Place a check mark in this area when an English language Translation is attached.

	Application No.	10/814,966
INFORMATION DISCLOSURE	Filing Date	March 30, 2004
STATEMENT BY APPLICANT	First Named Inventor	Koller, et al.
	Art Unit	1651
(Multiple sheets used when necessary)	Examiner	Susan Marie Hanley
SHEET 5 OF 6	Attorney Docket No.	ONCOSIS.001CP5

NON PATENT LITERATURE DOCUMENTS				
Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	Т ¹	
	86	Merriam-Webster, Online Dictionary definition of "image". From www.m-w.com, accessed 9/14/05. 2 pages.		
	87	Miller et al., "Rapid Killing of Single Neurons by Irradiation of Intracellular Injected Dye," <i>Science</i> , 206: 702-704 (1979)		
	88	Niemz, M. H., "Laser-tissue interactions: Fundamentals and applications," Springer-Verlag, (1996)		
· · · · · · · · · · · · · · · · · · ·	89	Nilius, et al. "A novel type of cardiac calcium channel in ventricular cells." Nature, 316: 443-6 (1985)	<u></u>	
	90	Oh et al., "Phototoxicity of the Fluorescent Membrance Dyes PKH2 and PKH26 on the Human Hematopoietic KG1a Progenitor Cell Line," <i>Cytometry</i> , 36: 312-318 (1999)		
	91	Oleinick et al., "The Photobiology of photodynamic therapy: Cellular targets and mechanisms," Rad. Res., 150: S146-S156 (1998)		
	92	Palumbo et al., "Targeted gene transfer in eukaryotic cells by dye-assisted laser optoporation," <i>J. Photochem. Photobiol.</i> , 36: 41-46 (1996)		
	93	Paulus et al., "Purging peripheral blood progenitor cell grafts from lymphoma cells: Quantitative comparison of immunomagnetic CD34 ⁺ selection systems," <i>Stem Cells</i> , 15: 297-304 (1997)		
	94	Pedersen, R. A., "Embryonic stem cells for medicine," Sci. Amer., 280: 68-73 (1999)		
	95	Photonic Instruments, Inc.; Micro Point-Laser System for Bio-Medical and Life Sciences; Product Information Sheet, Apr. 1996		
	96	Rill et al., "Direct Demonstration that Autologous Bone Marrow Transplantation for Solid Tumors Can Return a Multiplicity of Tumorigenic Cells," <i>Blood</i> , ; 84: 380-383 (1994)		
	97	Rowley, Scott D., "Pharmacological Purging of Malignant Cells; Bone Marrow Transplantation," <i>Boston-Blackwell Scientific Publications</i> , 164-178 (1994)		
	98	Sagi, et al. "Gene delivery into prostate cancer cells by holmium laser application." Prostate Cancer and Prostatic Diseases, 6: 127-130 (2003).		
	99	Schulze et al., "Tumor cell contamination of peripheral blood stem cell transplants and bone marrow in high-risk breast cancer patients," <i>Bone Marrow Transplant.</i> , 19: 1223-1228 (1997)		
	100	Schutze et al., "Identification of expressed genes by laser-mediated manipulation of single cells," Nature Biotechnol., 16: 737-742 (1998)		
	101	Shirahata, et al. "New technique for gene transfection using laser irradiation." J.Invest.Med., 49: 184-190 (2001).		
	102	Sharp et al., "Significance of detection of occult Non-Hodgkin's Lymphoma in histologically uninvolved bone marrow by a culture technique, <i>Blood</i> , 79: 1074-1080 (1992)		
	103	Sharp et al., "Outcome of high-dose therapy and autologous transplantation in non-Hodgkin's lymphoma based on the presence of tumor in the marrow or infused hematopoietic harvest," <i>J. Clin. Oncol.</i> , 14: 214-219 (1996)		
	104	Soughaver et al. "Characterization of cellular optoporation with distance." Anal Chem. 72: 1342-1347		

Examiner Signature	Date Considered
*Examiner: Initial if reference considered, whether or not citation is in in conformance and not considered. Include copy of this form with nex	

T¹ - Place a check mark in this area when an English language Translation is attached.

	Application No.	10/814,966
INFORMATION DISCLOSURE	Filing Date	March 30, 2004
STATEMENT BY APPLICANT	First Named Inventor	Koller, et al.
	Art Unit	1651
(Multiple sheets used when necessary)	Examiner	Susan Marie Hanley
SHEET 6 OF 6	Attorney Docket No.	ONCOSIS.001CP5

		NON PATENT LITERATURE DOCUMENTS	
Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ¹
	105	Tao, et al. "Direct gene transfer into human cultured cells facilitated by laser micropuncture of the cell membrane." PNAS, 84: 4180-4184 (1987).	
	106	Theocharous et al., "The Detection and Genetic Analysis of Low Frequency Epithelial Tumor Cells in Patients with Breast Cancer," Blood, 88: 252a, Abstract 998, 441-II (1996)	
	107	Thomas et al., "Direct Purging of Breast Carcinoma Cells with Anti-CD24 and/or Anti-Breast Carcinoma Antibodies Using a Novel Immunomagnetic Cell Depletion System," <i>Blood</i> , 88: 252a, Abstract 997, 440-II (1996)	
	108	Tirlapur, et al. "Targeted transfection by femtosecond laser." Nature, 418: 290-291 (2002).	
	109	Tricot et al., "CD34 ⁺ Thy ⁺ lin ⁻ peripheral blood stem cells (PBSC) effect timely trilineage engraftment in multiple Myeloma (MM), <i>Blood</i> , 86: 293a-0 (1995)	
	110	Tsukakoshi, et al. "A novel method of DNA transfection by laser microbeam cell surgery." Appl. Phys. B. 35: 135-140 (1984).	
	111	Vannucchi et al., "Evaluation of breast Tumor cell contamination in the bone marrow and leukapheresis collections by RT-PCR for cytokeratin-19 mRNA," <i>Br. J. Haematol</i> , 103: 610-617 (1998)	
	112	Vervoordeldonk et al., "PCR-positivity in harvested bone marrow predicts relapse after transplantation with autologous purged bone marrow in children in second remission of precursor B-cell acute leukemia, <i>Br. J. Haematol.</i> , 96: 395-402 (1997)	
	113	Vredenburgh et al., "The significance of tumor contamination in the bone marrow from high-risk primary breast cancer patients treated with high-dose chemotherapy and hematopoietice support," <i>Biol. Blood Marrow Transplant.</i> , 3: 91-97 (1997)	

2807565:080306/JJH

Examiner Signature

Date Considered

^{*}Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.